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EXAMINER

CASCHERA, ANTONIO A

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/072,266	<b>Applicant(s)</b> FUKASAWA, KENJI	
	<b>Examiner</b> Antonio A. Caschera	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-38, 43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-38, 43 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

### ***Claim Objections***

2. Claims 1, 12-14, 25-29, 33, 34 and 38 are objected to because of the following informalities:
  - a. These claims comprise the newly added limitation of, "...wherein each of said plurality of output devices is separated from said(an) image data generating device," (see lines 2-3 of claim 1, for example) which should read, "...wherein each of said output devices is separated from said(an) image data generating device," in order to correctly provide antecedent basis when only one output device is utilized as recited in the first two lines of the preamble of each claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claims 12, 28 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In reference to claims 12, 28 and 38, the claims comprise of subject matter that was not present in the originally filed specification and that was amended into the claims with the amendment filed 02/27/07. Specifically, the amendment of 02/27/07 added the limitation, "...computer-readable medium encoded with a computer program..." (see preamble of claims 12, 28 and 38 respectively) which was not present in the originally filed specification. The Office acknowledges that such an amendment was made to satisfy an informality with 35 USC 101 language in accordance with the Office's practices and procedures at that time however with the current practices and procedures of the Office, the specific "...computer-readable medium encoded with a computer program..." is not explicitly recited within the specification and therefore brings up a new matter situation. The Applicant should recite these claims as explicitly presented in the specification in reference to the program and its associated storage device. (see *Response to Arguments* below)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 9, 10, 12-16, 22-30, 33-35, 38, 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (U.S. Patent 5,982,416) in view of Inoue et al. (U.S. Patent 6,273,535 B1).

In reference to claims 1, 13, 14, 25-27 and 45, Ishii et al. discloses an image processing apparatus and method performing color matching processing of image data along with device profile data transfers (see column 1, lines 6-9). Ishii et al. discloses the apparatus comprising of an image pickup unit and scanner which both generate image data into the system (see column 3, lines 51-61). Ishii et al. also discloses a data reception unit receiving data from the image pickup unit and scanner device (see column 4, lines 11-16). Ishii et al. discloses a CMS process unit which comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3). Ishii et al. further goes on to disclose the output profile data possibly being conversion data including color space compression instructions according to color reproducible by the output device (see column 4, lines 50-53). Note, the Office interprets the CMS process unit acting functionally equivalent to the output control data acquisition mechanism of Applicant's claims since the output device CMS unit (#24 of Figure 3) acquires output device color reproducible data defining the conditions set forth by the output device to faithfully display image data. Ishii et al. also discloses implementing multiple output devices, therefore requiring multiple output device profiles, each profile associated with a specific output device (see column 4, lines 20-30, columns 4-5, lines 65-4 and #21 and 22 of Figure 1). Note, the Office interprets Ishii et al. to disclose outputting to an output device when Ishii et al.

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discloses outputting profile characteristic data multiplexed with image data (see column 5, lines 21-24 and Figure 4). Also, Ishii et al. explicitly discloses embedding characteristic data (profile data) based on the type of output device with image data (see column 7, lines 32-34). Ishii et al. discloses a data multiplexing unit in a transmission-side configuration of the device, for embedding color space characteristic data, in a file with image data and transmitting this file as output (see column 7, lines 20-45 and Figures 8 and 16). Note, Ishii et al. also discloses alternatively, embedding characteristic data based on the type of output device, with image data (see column 7, lines 32-34). Although Ishii et al. discloses outputting profile characteristic data including color space compression instructions, Ishii et al. does not explicitly disclose outputting output control data designating image processing conditions to be carried out by each of a plurality of output devices. Inoue et al. discloses an image forming system and apparatus that stores image information with parameters of color processing to be performed by an output device, in this case, the output device being a printer, the color processing parameters being color mode information and color processing information which are explicitly stated as being related to printing and are obtained upon image sensing (see column 1, lines 6-10, column 4, lines 6-19, 42-53 and column 5, lines 11-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.). Further, in view of the newly amended claim limitation of "...wherein each of said plurality of output devices is separated from said image

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data generating device,” although one may interpret the image processing apparatus/system of Ishii et al. as comprising image pickup, host computer and output devices as one apparatus/system (see Figure 1), Inoue et al. surely discloses the digital still camera and printer, i.e. image input and output devices, as separate devices (see at least, Figure 13). Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the image pickup unit and host computer of Ishii et al. separate from the output devices of Ishii et al. as the mere fact that a given structure as integral does not preclude its consisting of various elements thereby making the separation of such processing elements of Ishii et al. solely a matter of engineering design choice (see *In re Larson*, 144 USPQ 347 (CCPA 1965) and *Nerwin v. Erlichman*, 168 USPQ 177, 179 (PTO Bd. of Int. 1969)). Although Inoue et al. discloses transmitting both image data and image additional data, comprising the printing processing parameters in color mode and processing information, to the printing device as per a printer request (see column 4, lines 35-56), Inoue et al. does not explicitly disclose embedding such data together in a single file. It would have been obvious to one of ordinary skill in the art at the time the invention was made to embed such closely related data together in some sort of single piece of data for transmission or storage in order to 1) better organize the storage/retrieval of data in memory thereby creating faster memory accesses and a more efficient system and 2) conserve bandwidth by allowing for numerous compression techniques to be applied to the embedded data thereby creating a more efficient computing system overall. Note, the claims, except for claim 45, specifically recite “...generating image data to be outputted by one or more of a plurality of output devices...” (see lines 1-2 of the claims) which the Office interprets Ishii et al. to disclose generating to output to multiple devices (i.e. the printer and monitor of Ishii et

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al.) while Inoue et al. discloses outputting a single output device (i.e. printer). (see *Response to Arguments* below)

In reference to claims 2 and 15, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 1 and 14 respectively above. Inoue et al. discloses an image forming system and apparatus that stores image information with parameters of color processing to be performed by an output device, in this case, the output device being a printer, the color processing parameters being color mode information and color processing information which are explicitly stated as being related to printing and are obtained upon image sensing (see column 1, lines 6-10, column 4, lines 6-19, 42-53 and column 5, lines 11-14). Note, the Office takes the broadest interpretation of the claims and therefore selects the scenario, as defined by the limitation of "...outputting data to one or more of a plurality of output devices..." (see claims 1 and 14 from which claims 2 and 15 depend upon respectively) that only one output device is chosen for outputting data thereto. Therefore, in view of such an interpretation and further since there is only a single output printer device as parameterized by the processing commands of the image additional information in Inoue et al., the Office interprets the combination of Ishii et al. and Inoue et al. to disclose all of the claim limitations as applied to claims 2 and 15 respectively.

In reference to claims 3 and 16, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 1 and 14 respectively above. Ishii et al. discloses implementing multiple output devices, therefore requiring multiple output device profiles, each profile associated with a specific output device (see column 4, lines 20-30, columns 4-5, lines 65-4 and #21 and 22 of Figure 1). The Office interprets the output device corresponding CMS process unit acting functionally equivalent to the designating mechanism of Applicant's claims since it



must choose the correct profile for each output device designated to received image data (see column 4, lines 20-30).

In reference to claims 9 and 22, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 1 and 14 respectively above in addition, Inoue et al. discloses an image memory for storing image data along with image additional information which comprises the color mode information and color processing information as previously discussed (see column 4, lines 6-16 and #5, 6 of Figure 1). Inoue et al. further discloses an output device, in this case a printer device, requesting a digital camera transfer image data and image additional information stored in the image memory via a communication unit (see column 4, lines 36-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.).

In reference to claims 10 and 23, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 1 and 14 respectively above. Ishii et al. discloses a CMS process unit which comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3). Inoue et al. discloses an image memory for storing image data along with image additional information which comprises the color mode information and color processing information as previously discussed (see column 4, lines 6-16 and #5, 6 of

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Figure 1). Inoue et al. further discloses the input device, or digital camera, storing the image data along with the image additional information, which provides color processing to be performed, the image additional information comprising color mode information and color processing information which are explicitly stated as being related to printing and are obtained/generated upon image sensing (see column 4, lines 6-19, 42-53 and column 5, lines 11-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.).

In reference to claims 12 and 28, claims 12 and 28 are equivalent in scope to claims 1, 13, 14 and 25-27 and are therefore rejected in a similar manner. In addition, to the above rationale as applied to claim 1, Ishii et al. also discloses the apparatus comprising a computer that includes RAM and ROM memories for storing a program to perform the above CMS methods (see column 4, lines 5-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.). (see *Response to Arguments* below)

In reference to claim 24, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claim 14 above. Ishii et al. discloses the apparatus comprising of an image pickup unit and scanner which both generate image data into the system (see column 3, lines 51-61). Ishii et al. also discloses a data reception unit receiving data from the image pickup unit and scanner device (see column 4, lines 11-16).

In reference to claims 29, 33 and 34, Ishii et al. discloses an image processing apparatus and method performing color matching processing of image data along with device profile data transfers (see column 1, lines 6-9). Ishii et al. discloses the apparatus comprising of an image pickup unit and scanner which both generate image data into the system (see column 3, lines 51-61). Ishii et al. also discloses a data reception unit receiving data from the image pickup unit and scanner device (see column 4, lines 11-16). Ishii et al. discloses a CMS process unit which comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3). Ishii et al. further goes on to disclose the output profile data possibly being conversion data including color space compression instructions according to color reproducible by the output device (see column 4, lines 50-53). Note, the Office interprets the CMS process unit acting functionally equivalent to the output control data acquisition mechanism of Applicant's claims since the output device CMS unit (#24 of Figure 3) acquires output device color reproducible data defining the conditions set forth by the output device to faithfully display image data. Ishii et al. also discloses implementing multiple output devices, therefore requiring multiple output device profiles, each profile associated with a specific output device (see column 4, lines 20-30, columns 4-5, lines 65-4 and #21 and 22 of Figure 1). Note,

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the Office interprets Ishii et al. to disclose outputting to an output device when Ishii et al. discloses outputting profile characteristic data multiplexed with image data (see column 5, lines 21-24 and Figure 4). Also, Ishii et al. explicitly discloses embedding characteristic data (profile data) based on the type of output device with image data (see column 7, lines 32-34). Ishii et al. discloses a data multiplexing unit in a transmission-side configuration of the device, for embedding color space characteristic data, in a file with image data and transmitting this file as output (see column 7, lines 20-45 and Figures 8 and 16). Note, Ishii et al. also discloses alternatively, embedding characteristic data based on the type of output device, with image data (see column 7, lines 32-34). Although Ishii et al. discloses outputting profile characteristic data including color space compression instructions, Ishii et al. does not explicitly disclose outputting output control data designating image processing conditions to be carried out by each of a plurality of output devices. Inoue et al. discloses an image forming system and apparatus that stores image information with parameters of color processing to be performed by an output device, in this case, the output device being a printer, the color processing parameters being color mode information and color processing information which are explicitly stated as being related to printing and are obtained upon image sensing (see column 1, lines 6-10, column 4, lines 6-19, 42-53 and column 5, lines 11-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.). Further, in view of the newly amended claim

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limitation of "...wherein each of said plurality of output devices is separated from said image data generating device," although one may interpret the image processing apparatus/system of Ishii et al. as comprising image pickup, host computer and output devices as one apparatus/system (see Figure 1), Inoue et al. surely discloses the digital still camera and printer, i.e. image input and output devices, as separate devices (see at least, Figure 13). Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the image pickup unit and host computer of Ishii et al. separate from the output devices of Ishii et al. as the mere fact that a given structure as integral does not preclude its consisting of various elements thereby making the separation of such processing elements of Ishii et al. solely a matter of engineering design choice (see *In re Larson*, 144 USPQ 347 (CCPA 1965) and *Nerwin v. Erlichman*, 168 USPQ 177, 179 (PTO Bd. of Int. 1969)). Note, the Office takes the broadest interpretation of the claims and therefore selects the scenario, as defined by the limitation of "...outputting data to one or more of a plurality of output devices..." that only one output device is chosen for outputting data thereto. Therefore, in view of such an interpretation and further since there is only a single output printer device as parameterized by the processing commands of the image additional information in Inoue et al., the Office interprets the combination of Ishii et al. and Inoue et al. to disclose all of the claim limitations as applied to claims 29, 33 and 34 respectively. (see *Response to Arguments* below)

In reference to claims 30 and 35, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 29 and 34 respectively above. Ishii et al. discloses a CMS process unit which comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of

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Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3). Note, the Office believes the apparatus of Ishii et al. inherently acquires new or different profile data when the output device, the target device receiving the processed image data, is changed. Inoue et al. discloses an image memory for storing image data along with image additional information which comprises the color mode information and color processing information as previously discussed (see column 4, lines 6-16 and #5, 6 of Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.).

In reference to claim 38, claim 38 is equivalent in scope to claims 29, 33 and 34 and is therefore rejected in a similar manner. In addition to the rationale as applied to claims 29, 33 and 34, Ishii et al. also discloses the apparatus comprising a computer that includes RAM and ROM memories for storing a program to perform the above CMS methods (see column 4, lines 5-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.). (see *Response to Arguments* below)

In reference to claim 43, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claim 1 above. Inoue et al. discloses an image forming system and apparatus that stores image information with parameters of color processing to be performed by an output device, in this case, the output device being a printer, the color processing parameters being color mode information and color processing information which are explicitly stated as being related to printing and are obtained upon image sensing (see column 1, lines 6-10, column 4, lines 6-19, 42-53 and column 5, lines 11-14).

5. Claims 4-8, 17-21, 31, 32, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (U.S. Patent 5,982,416), Inoue et al. (U.S. Patent 6,273,535 B1) and further in view of Kohler et al. (U.S. Patent 5,646,752).

In reference to claims 4, 17, 31, 32, 36 and 37, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 2, 15, 29, 30 and 34 respectively above however, neither Ishii et al. or Inoue et al. explicitly disclose identifying at least one classification selected from a group of classifications consisting of output device category, output device format, manufacturer, and output device model name. Kohler et al. discloses a system for modifying device profile tags (see column 1, lines 64-67 of Kohler et al.). Kohler et al. discloses the profiles comprising of a "DeviceModel" tag stored within the profile (see column 9, lines 11-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the device profile formatting of Kohler et al. with the output processing setting techniques of Inoue et al. and CMS profile processing techniques of Ishii et al. in order to allow for customizable data to be stored and represented in device profiles, aiding in color transformation processing of image data (see column 2, lines 7-41 of Kohler et al.). Note, in

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reference to claims 31 and 36, the Office interprets that the tag information of Kohler et al. inherently identifies and is designated to each device. Note, in reference to claim 32 and 37, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the device profile formatting of Kohler with the output processing setting techniques of Inoue et al. and CMS profile processing techniques of Ishii et al., enabling the output device CMS processing unit of Ishii et al. to select the correct device profile based on a device name or model, to aid in the CMS processing of image data by allowing for customizable data to be stored (device model/name information) and accessed in the device profiles (see column 2, lines 7-41 of Kohler et al.).

In reference to claims 5, 6, 18 and 19, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 3 and 16 above however, neither Ishii et al. or Inoue et al. explicitly disclose the output device CMS process unit acquiring profile or device data with reference to a classification level. Kohler et al. discloses a system for modifying device profile tags (see column 1, lines 64-67 of Kohler et al.). Kohler et al. discloses the profiles comprising of a "DeviceModel" tag stored within the profile (see column 9, lines 11-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the device profile formatting of Kohler with the output processing setting techniques of Inoue et al. and CMS profile processing techniques of Ishii et al., enabling the output device CMS processing unit of Ishii et al. to select the correct device profile based on a device name or model, to aid in the CMS processing of image data by allowing for customizable data to be stored (device model/name information) and accessed in the device profiles (see column 2, lines 7-41 of Kohler et al.).



In reference to claims 7 and 20, Ishii et al., Inoue et al. and Kohler et al. disclose all of the claim limitations as applied to claims 4 and 17 respectively above. Ishii et al. also discloses implementing multiple output devices, therefore requiring multiple output device profiles, each profile associated with a specific output device (see column 4, lines 20-30, columns 4-5, lines 65-4 and #21 and 22 of Figure 1). Kohler et al. discloses the profiles comprising of a “DeviceModel” tag stored within the profile (see column 9, lines 11-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the device profile formatting of Kohler with the output processing setting techniques of Inoue et al. and CMS profile processing techniques of Ishii et al., enabling the output device CMS processing unit of Ishii et al. to select the correct device profile based on a device name or model, to aid in the CMS processing of image data by allowing for customizable data to be stored (device model/name information) and accessed in the device profiles (see column 2, lines 7-41 of Kohler et al.).

In reference to claims 8 and 21, Ishii et al., Inoue et al. and Kohler et al. disclose all of the claim limitations as applied to claims 7 and 20 respectively above. Neither Ishii et al., Inoue et al. or Kohler et al. explicitly disclose the output formats including xerographic printing, sublimation printing, ink jet printing, CRT display, LCD display, projection display, transmissive display, and reflective display formats. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the above specific output formats in the CMS profile format and processing techniques of Ishii et al., Inoue et al. and Kohler et al.. Applicant has not disclosed that supporting these specific output formats provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art,

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furthermore, would have expected Applicant's invention to perform equally well with the monitor and printer profiles of Ishii et al. and Inoue et al. because the Office interprets the exact output format that image data is transformed into to be a matter decided by the inventor as to which best suits the applicant at hand. Further, the specific manner in which the image data is ultimately displayed or printed is seen to provide no immediate criticality to the application at hand. Therefore, it would have been obvious to one of ordinary skill in this art to modify the combination of Ishii et al., Inoue et al. and Kohler et al. to obtain the invention as specified in claims 8 and 21.

### ***Response to Arguments***

6. Applicant's arguments, see page 13 of Applicant's Remarks, filed 03/31/08, with respect to 35 USC 112, 2<sup>nd</sup> paragraph rejection of claims 1-10, 12-38, 43 and 45 have been fully considered and are persuasive. The 35 USC 112, 2<sup>nd</sup> paragraph rejection of these claims has been withdrawn since amendments to the claims remedy the prior issue.

7. Applicant's arguments filed 03/13/08 have been fully considered but they are not persuasive.

In reference to claims 12, 28 and 38, Applicant argues the 35 USC 112, 1<sup>st</sup> paragraph rejection of the claims and seems to believe the rejection remedied by the current amendment to the claims (see page 13, 2<sup>nd</sup> paragraph). The Office states that the issue at hand is not the explicit language of "storage" or "encoded with" as amended by Applicant, but it is with the language as a whole of "computer-readable medium..." of the claims. The issue, as seen in the 35 USC 112 rejection above, is that the amendment of 02/27/07 introduced such language which was/is not

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explicitly found within the specification thereby creating a new matter situation. If Applicant believes otherwise that the specification does comprise of search terminology, the Office requests Applicant cite the specific paragraphs/lines where such explicit language can be found. Until such citations are presented and reviewed, the Office must maintain such rejection based upon 35 USC 112, 1<sup>st</sup> paragraph.

In reference to the claims 1, 12-14, 25-28 and 45, Applicant argues that the CMS process of Ishii et al. is included in the host computer and not in the image pickup unit or scanner (see page 14, last paragraph of Applicant's Remarks) and therefore Ishii et al. cannot be correctly applied to the claimed subject matter. In response, the Office states that, it can be seen from the above rejection of claim 1 that the image data generating mechanism of the claims is seen functionally equivalent to Ishii et al.'s image pickup unit or scanner which generates data into the host computer. Further, a data reception unit of the host computer of Ishii et al. is seen to receive data from the image pickup unit or scanner (see above rejection of claim 1). Therefore, it is clear that the image processing apparatus/system of Ishii et al. is seen functionally equivalent to Applicant's image data generating device as it comprises both the host computer and image pickup unit as conventionally disclosed by Ishii et al. (see column 1, lines 48-52 and Figure 1). Therefore, the Office interprets Ishii et al. to disclose such a claim limitation as argued by Applicant and maintains Ishii et al. as applicable prior art.

In reference to claims 1, 12-14, 25-29, 33, 34, 38 and 45, Applicant argues the newly amended limitation, to the preamble, that the output devices are separated from said image data generating device (see pages 14-15, last-first paragraphs, pages 15-16, last-first paragraphs and page 17, 2<sup>nd</sup> paragraph of Applicant's Remarks). As can be seen from the modified rejection of

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the claims above, although one may interpret the image processing apparatus/system of Ishii et al. as comprising image pickup, host computer and output devices as one apparatus/system (see Figure 1), Inoue et al. surely discloses the digital still camera and printer, i.e. image input and output devices, as separate devices (see at least, Figure 13). Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the image pickup unit and host computer of Ishii et al. separate from the output devices of Ishii et al. as the mere fact that a given structure as integral does not preclude its consisting of various elements thereby making the separation of such processing elements of Ishii et al. solely a matter of engineering design choice (see *In re Larson*, 144 USPQ 347 (CCPA 1965) and *Nerwin v. Erlichman*, 168 USPQ 177, 179 (PTO Bd. of Int. 1969)). Therefore, the Office maintains its rejection based upon Ishii et al., Inoue et al. and the added interpretation of the combination, as seen above.

Further, in reference to claims 1, 12-14, 25-28 and 45, Applicant argues that Inoue et al. is incapable of controlling the selecting operation of the printer via the digital still camera (see page 15, 3rd paragraph of Applicant's Remarks). The Office firmly disagrees and points to column 5, lines 10-22 and Figures 7 and 12 of Inoue et al. whereby Inoue et al. explicitly discloses, in addition to color processing and color mode information, particularly related to printing, a camera unique printing parameter which, all or at least one of such information, can surely be interpreted as output control data designating image processing conditions to be carried out by the output device. Therefore, the Office interprets Inoue et al. to disclose such a limitation as argued by Applicant.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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**or faxed to:**

**571-273-8300 (Central Fax)**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

/Antonio A Caschera/

Examiner, Art Unit 2628

Temporary Full Signatory Authority

**6/23/08**